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| Notice of Allowability | Application No. | Applicant(s) |
| | 09/523,405 | JOHNSON ET AL. |
| | Examiner | Art Unit |
| | JAGDISH PATEL | 3624 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 7/13/2005.
2. The allowed claim(s) is/are 1-23, 26-44 and 46-49.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 - Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

1. This communication is in response to amendment filed 7/13/2005.

Response to Amendment

2. Claims 1-23, 26-44 and 46-49 are pending and have been allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to charging a payment transaction to a customer.

The following prior art references have been deemed most relevant to the allowed claim(s):

Bahreman (US Pat. 6061665) discloses method and article of manufacture for securely transmitting payment information utilizing a negotiated, mutually acceptable payment processing method from a customer to a merchant utilizing a network. Bahreman, in particular discloses a payment processing method comprising a payment negotiation process in which buying and selling agents exchange a sequence of query and accept/reject/confirm messages with or without the user's intervention. The result of the exchange of messages is an agreement on a particular payment processing method that is utilized for a particular transaction or a series of transactions.

The instant application on the other hand recite the following feature which renders the claimed invention(s) novel over Bahreman considered as the closest prior art of record.

Claims 1-23, 26-44 and 46-49 recites:

.. submitting information regarding said described payment instruments to a computer-implemented transaction evaluator configured to automatically select one of said described payment instruments based on relative economic utility of said described payment instruments and receiving from said transaction evaluator the transaction evaluator's selection of one of said described payment instruments, wherein

information describing the payment instruments are identified by a customer who is offered an incentive to identify a plurality of payment instruments to consummate a payment transaction.

(Note that the interpretation of the computer-implemented transaction evaluator is in accordance with description provided in the specification at p. 33, L20 - p.34, L19).

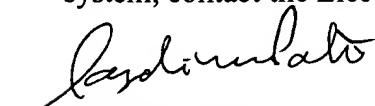
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571)272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jagdish N. Patel

(Primary Examiner, AU 3624)

9/26/2005

DETAILED ACTION

1. This communication is in response to amendment filed 7/13/2005.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Edward J. Radlo, Reg. No. 26,793 on 9/26/05.

Amend the Abstract of the disclosure as follows:

Abstract of the Disclosure

Customers often have access to multiple payment methods for any given transaction. In one embodiment of the invention, a merchant obtains information regarding multiple payment methods from a customer, and sends said information to a transaction evaluator. Via computer networks, the transaction evaluator sends information about the transaction to the issuers of one or more of the payment methods. The issuers perform a cost/benefit analysis of the transactions and respond with a description of the terms under which they are willing to process the transaction. Based on the issuer response, the transaction evaluator selects one of the payment methods. By enabling participating issuers to select favorable transactions and avoid unprofitable ones, the invention can thus improve issuer profitability by directing profitable transactions to participating issuers while directing unprofitable transactions

away from participating issuers or to alternate transaction methods that are more profitable or less costly.

Response to Amendment

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The instant application on the other hand recite the following feature which renders the claimed invention(s) novel over Bahreman considered as the closest prior art of record.

Claims 1-23, 26-44 and 46-49 recites:

.. submitting information regarding said described payment instruments to a computer-implemented transaction evaluator configured to automatically select one of said described payment instruments based on relative economic utility of

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said described payment instruments and receiving from said transaction evaluator the transaction evaluator's selection of one of said described payment instruments, wherein information describing the payment instruments are identified by a customer who is offered an incentive to identify a plurality of payment instruments to consummate a payment transaction.

(Note that the interpretation of the computer-implemented transaction evaluator is in accordance with description provided in the specification at p. 33, L20 - p.34, L19).

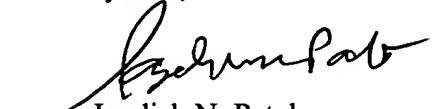
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Jagdish N. Patel

(Primary Examiner, AU 3624)

9/26/05